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FACSIMILE TRANSMISSION

TO: Examiner Jason D. Prone
Art Unit 3724

DATE: July 27, 2004

FROM: W. Thad Adams, III
Reg. No. 29,037

FACSIMILE NO: (703) 872-9306

RE: Our File No. 1384/6; U.S. Patent Application Serial No. 10/058,519 for
"APPARATUS AND METHOD FOR BREAKING RAILS"

CONFIRMATION COPY
TO FOLLOW:

YES _____ NO ☒

NUMBER OF PAGES: Cover + 2

MESSAGE: I have attached the proposed new Claim 30 for discussion. After your review,
please call me at your convenience to discuss.

Also, please confirm receipt of this facsimile. Thank you.

If any problems in transmission occur, please contact Cecilia M. Sidcbottom, Legal Assistant.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/058,519 Confirmation No. 3724
Applicant : PURSER
Filed : 01/28/2002
Title : APPARATUS AND METHOD FOR BREAKING RAILS
TC/A.U. : 3724
Examiner : Prone, J.
Docket No. : 1384/6
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Commissioner for Patents
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Alexandria, VA 22313-1450

PROPOSED CLAIM 30 FOR DISCUSSION

Claim 30 (new): A railroad rail breaking apparatus for being mounted on the arm of a vehicle and for breaking rails of the type having an integrally-formed wearing flange, rail web and base flange, and comprising:

(a) a first member having a first jaw on a first end thereof, and a mounting attachment on a second end remote from the first jaw for permitting the rail breaking apparatus to be mounted onto the vehicle arm, the first jaw including a first hardened rail breaking insert mounted thereon for engaging a first side of the wearing flange;

(b) a second member pivotally mounted for movement about a pivot axis, the second member including a second jaw having a second hardened rail breaking insert thereon for engaging a second side of the wearing flange opposite the first side of the

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wearing flange, the first and second inserts being shaped and adapted to receive only a single rail in an orientation for engagement of only the wearing flange of the single rail without engagement with the rail web and base flange;

(c) the second jaw being movable about the first pivot axis relative to the first jaw between a relatively open, wearing flange receiving position and a rail breaking position in which the first rail breaking insert of the first jaw and the second rail breaking insert of the second jaw hold the wearing flange in a wear breaking position by cooperation of the first and second members;

(d) power means mounted for cooperation with the first and second members for moving the first and second jaws relative to each other; and

(e) wherein as the first and second jaws move from the wearing flange receiving position to the wearing flange breaking position, the wearing flange, rail web and base flange of the rail is broken by a breaking force supplied by the power means only to the wearing flange.

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